

JAN 27 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ANTONIO CORTES-VENTE,

Petitioner - Appellant,

v.

TOM RIDGE, Secretary of the Department
of Homeland Security; et al.,

Respondents - Appellees.

No. 05-55095

D.C. No. CV-04-07211-CJC

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted January 23, 2006^{**}

Before: T.G. NELSON, SILVERMAN, and BYBEE, Circuit Judges

Appellees's motion to dismiss for lack of jurisdiction is construed as a motion for summary affirmance. A review of the record and the opening brief

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

Accordingly, we summarily affirm the district court's judgment.

AFFIRMED.